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 IMMIGRATION AND CUSTOMS
 ENFORCEMENT and UNITED STATES
 DEPARTMENT OF HOMELAND SECURITY

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

AMERICAN CIVIL LIBERTIES UNION,)	CASE NO.: 4:23-cv-03450-DMR
)	
Plaintiff,)	DECLARATION OF SHAWN O'DONNELL
)	
v.)	
)	
UNITED STATES IMMIGRATION AND)	
CUSTOMS ENFORCEMENT and UNITED)	
STATES DEPARTMENT OF HOMELAND)	
SECURITY,)	
)	
Defendants,)	
)	

I, Shawn O'Donnell, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the unit chief of U.S. Immigration and Customs Enforcement ("ICE") Office of Acquisition Management ("OAQ"), Detention, Compliance and Removals (DCR) unit. I have held this position since May 24, 2020. My position requires knowledge of ICE detention standards, knowledge of contract management, and ICE standards.

2. As the unit chief, my official duties include overseeing and managing multiple teams consisting of section chiefs, Contracting Officers (CO), and Contract Specialists (CS). Each team has a specific area of responsibility that, in total, span the entire continental United States and territories.

1 3. I make this declaration in support of Defendants' Cross-Motion for Summary Judgment
2 and Opposition to Plaintiff's Motion for Summary Judgment in the above-captioned action. The
3 statements contained in this declaration are based upon my review of documents kept by ICE in the
4 ordinary course of business, and information provided to me by other ICE employees in the course of
5 my official duties.

6 4. On December 19, 2022, ICE entered into a contract with RELX for a subscription to the
7 LexisNexis Research Service to provide access to legal research materials to detained noncitizens, which
8 includes the provision of offline electronic law library (ELL) materials on electronic hard drives. The
9 offline ELL materials provided by RELX on EHDs are hereinafter referred to as the "Offline Lexis
10 Materials."

11 5. ICE's use of the Offline Lexis Materials is subject to the terms of the LexisNexis Master
12 Agreement (the "Master Agreement"). By purchasing a subscription to the Lexis Nexis Research Service
13 pursuant to the contract referenced in paragraph 4 above, ICE is a party to the Master Agreement. Each
14 time the Offline Lexis Materials are accessed by a user at an ICE facility, the Master Agreement is
15 displayed and the user must agree to the terms before proceeding.

16 6. A true and correct copy of the Master Agreement to which ICE is a party is attached
17 hereto as Exhibit A.

18 7. ICE's use of the Offline Lexis Materials is subject to the terms of the non-exclusive, non-
19 transferable limited license provided by the Master Agreement.

20 8. ICE's use of the Offline Lexis Materials complies with all terms of the Master
21 Agreement, including but not limited to the "Restrictions on Use" set forth in Section 1.3 and the
22 "Prohibited Uses" set forth in Section 1.4.

23 9. The Offline Lexis Materials consist of electronic databases containing legal research
24 materials (which the Master Agreement refers to as the Legal Research Service) and software necessary
25 to utilize those databases (which the Master Agreement calls a Licensed Program). The databases are
26 subject to certain intellectual property protections including copyright, and the software is a trade secret.

27 10. Disclosure of this information would have a chilling effect on ICE's ability to obtain
28 necessary services in the future, including ELL materials like those currently provided by RELX, as

1 vendors may reconsider providing such services to the government if it risks exposing their commercial
2 information to public for free.

3 I declare under penalty of perjury that the foregoing is true and correct to the best of my
4 knowledge and belief.

5 Signed this 28th day of February, 2024.

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